

**MONTANA FIRST JUDICIAL DISTRICT  
COURT RULES**

**LEWIS & CLARK AND BROADWATER COUNTIES**

**Rule 1 - Application of Rules**

The First Judicial District is comprised of Lewis and Clark County and Broadwater County. Except where otherwise indicated, these rules apply to all cases filed in either county.

These rules supplement the Montana Rules of Civil Procedure and the Montana Uniform District Court Rules. All prior rules issued by the First Judicial District Court are rescinded and these rules substituted therefore.

**Rule 2 - Departments of the District Court**

**A. Lewis and Clark County:**

In Lewis and Clark County, the court is divided into three departments:

**Department No. 1:** Honorable Dorothy McCarter presiding. Criminal law and motion: Wednesdays at 9:00 a.m. Uncontested probate and other civil matters: Thursdays at 1:30 p.m.

**Department No. 2:** Honorable Jeffrey M. Sherlock presiding. Criminal law and motion: Thursdays at 9:00 a.m.

**Department No. 3:** Honorable Thomas C. Honzel presiding. Criminal law and motion: Thursdays at 1:30 p.m. Youth court law and motion: Wednesday afternoons.

**B. Broadwater County:**

In Broadwater County, Judge Jeffrey M. Sherlock and Judge Dorothy McCarter rotate presiding over the court on a yearly basis, with each term beginning June 1. Judge Sherlock presides beginning in odd-numbered years, and Judge McCarter presides beginning in even-numbered years.

**Rule 3 - Chief Judge:**

The position of Chief Judge is assumed for a calendar year in rotating order as follows: Department No. 1 - 2004, 2007, 2010; Department No. 2 - 2003, 2006, 2009; and Department No. 3 - 2002, 2005, 2008.

## **Rule 4 - Assignment/Designation of Cases**

### **A. Assignment of Cases**

In Lewis and Clark County, all probate cases are assigned to Judge McCarter, and all youth court cases are assigned Judge Honzel. All other cases are assigned at random.

In Broadwater County, the judge presiding over the Court hears all matters scheduled during his or her term, except youth court matters are heard by Judge Honzel.

### **B. Designation of Cases**

All cases are designated by numbers and letters as follows:

Lewis and Clark County cases assigned to: Judge McCarter are designated by first letter A; cases assigned to Judge Sherlock are designated by first letter B; and cases assigned to Judge Honzel are designated by first letter C. Broadwater County cases will not be assigned this initial letter.

The second and third letters (first and second letters in Broadwater County) indicate the general nature of the case, followed by four digits indicating the year in which the case was filed, followed by a number assigned in chronological order to causes filed in that category in that year. For example:

District Criminal = DC 2002-11	Domestic Relations = DR 2002-09
District Civil = DV 2002-01	District Guardianship/Conservatorship/Trusts= DG 2002-10
District Probate = DP 2002-02	District Adoptions = DA 2002-03
Dependent/Neglect = DN 2002-04	District Juvenile = DJ 2002-12
District Family (Paternity) = DF 2002-05	District Mental Health = DI 2002-13
District Process Server = DS 2002-06	Investigative Subpoena = IS 2002-14
Marriage License = DL 2002-07	Special Book (misc. orders, jury lists, etc.) = SB 2002-15
Search Warrants = SW 2002-08	

If an out-of-town judge assumes a case, the case remains assigned to the original department but the case number will be preceded by an "X" (i.e., XBDV 2002-116).

## **Rule 5. Pleadings/Briefs**

### **A. Length**

Pleadings/briefs, except initial pleadings, in all cases shall be limited to 20 pages, not including attachments. Additional pages may be filed only with leave of the court and with good cause showing.

**B. Form of Briefs:**

Please refer to the Uniform District Court Rules, Rule 1.

**C. Citations**

The First Judicial District Court follows the uniform system of citation in the most current edition of the Blue Book, A Uniform System of Citation, for citing case law. For citations to Montana Supreme Court cases issued after 1998. See *Matter of Opinion Forms and Citation Standards*, 54 St. Rep. 1357 (1997), or [www.lawlibrary.state.mt.us/dscgi/ds.py/Get/File-4161/Order-citation.pdf](http://www.lawlibrary.state.mt.us/dscgi/ds.py/Get/File-4161/Order-citation.pdf).

**D. Motions**

All motions, except for motions for summary judgment, shall include a proposed order with copies and addressed envelopes for all counsel of record.

**E. Motions to Continue**

Motions to continue must be in writing.

**F. Motions to Extend Scheduling Orders**

Motions to extend deadlines in scheduling orders must include a statement of when trial is scheduled.

**G. Filing Deadlines**

Filing and scheduling order deadlines will be strictly adhered to unless a written motion for an extension has been received and approved by the Court.

**H. Copies of Court Documents**

When a Montana attorney is associating with an out-of-state attorney who is appearing pro hac vice on a Montana case, orders/notices from the District Court will be mailed to in-state counsel only, with few exceptions.

**Rule 6. Specific Trial/Hearing Conduct**

**A.** If a party is represented by more than one attorney, only one of the attorneys may question a specific witness.

**B.** If a party is represented by more than one attorney, and one of those attorney objects to a line of questioning, then only that objecting attorney may cross-examine the witness.

- C. Attorneys must request permission of the court to approach witnesses.
- D. If a document is presented during trial/hearing, copies of the document must be presented to the judge and to opposing counsel.
- E. Jury trials are normally scheduled to begin on Monday mornings at 9:00 a.m. All settlement negotiations should be completed by 4:00 p.m. the preceding Friday. Failure to comply with this rule may result in the imposition of sanctions in appropriate circumstances.
- F. Attorneys/clients shall not keep the Court waiting, but shall appear at the scheduled time ready to proceed. All settlement negotiations shall take place prior to the scheduled trial/hearing.

### **Rule 7. Parenting Plan Orientation**

All parties involved in parenting actions or actions for dissolution with children will be required to attend a Parenting Plan Orientation session. Failure of a party to attend an orientation session could result in the delay of entry of the Decree of Dissolution or Parenting Plan. Merits hearings will not be scheduled until both parties have attended the class or have obtained a court order waiving the orientation. This rule shall only apply to actions filed in Lewis and Clark County.

### **Rule 8. Court Security - Potentially Violent Situations; Duty of Party**

In any case where a party believes that a potentially violent situation may arise, that party, through counsel or *pro se*, shall notify the assigned judge and/or court bailiff sufficiently in advance so that appropriate security measures can be taken.

Adopted April 30, 2002.  
Effective May 1, 2002.  
Amended April 1, 2003.

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THOMAS C. HONZEL  
District Court Judge

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DOROTHY McCARTER  
District Court Judge

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JEFFREY M. SHERLOCK  
District Court Judge